

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 04-10361-NG
)	
)	
JOHN HANDY,)	
)	
Defendant.)	

**GOVERNMENT'S ASSENTED-TO MOTION TO EXCLUDE THE TIME
FROM DECEMBER 2, 2005 THROUGH FEBRUARY 3, 2006,
AND FOR AN ORDER ON EXCLUDABLE DELAY**

The United States hereby moves move, pursuant to 18 U.S.C. §3161(h)(8)(A) and Section 5(c)(1)(A) of the Plan for the Prompt Disposition of Criminal Cases of the United States District Court for the District of Massachusetts, to exclude the time within which trial must commence under 18 U.S.C. §3161(c)(1), excluding from such computation all time, commencing on December 2, 2005 and concluding on February 3, 2006.

As grounds therefor, the undersigned states that at today's Status Conference, counsel for the defendant sought an additional 3-4 weeks to file a motion to suppress evidence (his suppression motion was originally due for filing on December 2, 2005), and the government has requested 3-4 weeks to file an opposition to said motion. The Court has granted this day, the additional time requested by the parties, and has ordered that the defendant file his motion to suppress by January 6, 2006, and that the government file its opposition to said motion by February 3, 2006.

WHEREFORE, the parties respectfully request, under 18 U.S.C. §3161(h)(8)(A) and §5(c)(1)(A) of Plan for Prompt Disposition of Criminal Cases of this Court, that this Court find, based on the above, that the ends of justice are served by granting the requested exclusion, and that said exclusion outweighs the best interest of the public and the defendant in a speedy trial, and, accordingly, exclude all time, **commencing on December 2, 2005, and concluding on February 3, 2005**, in computing the time within which trial must commence under 18 U.S.C. §3161, and request that the Court enter an Order of Excludable Delay.

Counsel for the defendant, Timothy G. Watkins, Esq., assented to this motion in open Court during the Status Conference held this day.

MICHAEL J. SULLIVAN
United States Attorney

By:

/s/Antoinette E.M. Leoney
ANTOINETTE E.M. LEONEY
Assistant U.S. Attorney
(617) 748-3103

Dated: December 12, 2005

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the person listed below a copy of the foregoing document electronic court filing and/or regular mail:

Timothy G. Watkins, Esq.
Federal Defender Office
408 Atlantic Avenue, 3rd Floor
Boston, MA 02210

/s/Antoinette E.M. Leoney
ANTOINETTE E.M. LEONEY
Assistant U.S. Attorney